

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IRENE CHABAK, individually and on
behalf of all others similarly situated,

ORDER

22-CV-09341 (PMH)

Plaintiff,

v.

SOMNIA, INC.,

Defendant.

-----X

[Rel. 22-CV-09535 (PMH)
22-CV-09549 (PMH)
22-CV-09550 (PMH)
22-CV-09643 (PMH)
22-CV-09960 (PMH)
22-CV-10572 (PMH)]

PHILIP M. HALPERN, United States District Judge:

Counsel for all parties in this action and the related actions *Carrasco v. Somnia, Inc.*, 22-CV-09535; *Polk, et al. v. Somnia, Inc.*, 22-CV-09549; *Booth Harris v. Somnia Inc., et al.*, 22-CV-09550; *Weiscope v. Resource Anesthesiology Associates of IL, PC, et al.*, 22-CV-09643; *Henderson, et al. v. Somnia Inc., et al.*, 22-CV-09960; and *Sommers v. Somnia, Inc., et al.*, 22-CV-10572 (collectively, the “Related Actions”), appeared today for a pre-motion conference.

The Court construes the pre-motion letter seeking consolidation of the Related Actions into the first-filed action as the motion itself and, on consent of all parties, GRANTS the request pursuant to Federal Rule of Civil Procedure 42(a). The Related Actions are hereby consolidated into the action entitled *Chabak v. Somnia, Inc.*, 22-CV-09341. Unless otherwise ordered by this Court, future filings shall be filed and docketed only under docket number 22-CV-09341.

With respect to the request for the appointment of interim lead class counsel, the Court directed counsel for all plaintiffs to meet and confer and advise the Court in a single joint letter, limited to two pages, to be filed via ECF by January 27, 2023, whether they have been able to agree on proposed interim lead counsel in accordance with the Court’s comments on the record at the conference. A proposed order may be filed with the letter. If counsel are unable to agree, the Court will treat the parties’ letters as the motions themselves and will deem the motions fully

submitted and *sub judice* as of January 27, 2023.

A Consolidated Amended Complaint shall be filed within 30 days of the Court's order appointing interim lead class counsel. Counsel is reminded of the Court's direction to reduce the footprint of the pleading to only that which is necessary and relevant to the burden of proof. Defendants shall have 45 days from the filing of the Consolidated Amended Complaint to answer or otherwise move (in accordance with the Court's Individual Practices) with respect thereto. Defendants need not respond to the constituent complaints that are the subject of this consolidation Order.

The parties are reminded to review and comply with the Court's Individual Practices, the most current version of which can be downloaded from my individual webpage on the S.D.N.Y. website at <https://nysd.uscourts.gov/hon-philip-m-halpern>.

Counsel for the parties are directed to meet and confer concerning settlement. Defendants shall notify the Court at the time of filing its answer or pre-motion letter as to the status of settlement dialogue.

The Clerk of Court is respectfully directed to administratively close the following cases: *Carrasco v. Somnia, Inc.*, 22-CV-09535; *Polk, et al. v. Somnia, Inc.*, 22-CV-09549; *Booth Harris v. Somnia Inc., et al.*, 22-CV-09550; *Weiscope v. Resource Anesthesiology Associates of IL, PC, et al.*, 22-CV-09643; *Henderson, et al. v. Somnia Inc., et al.*, 22-CV-09960; and *Sommers v. Somnia, Inc., et al.*, 22-CV-10572.

SO ORDERED:

Dated: White Plains, New York
January 25, 2023


Philip M. Halpern
United States District Judge